

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by David M. Abramson, Planner I

SUBJECT: Resolution - DG 8-1-04 / Flamingo Plat / 12901 Orange Drive / Generally located at the northwest corner of Orange Drive and Flamingo Road

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO WAIVE OFF-SITE IMPROVEMENTS REQUIRED BY DEVELOPERS AGREEMENT (DA 8-1-03) AND "FLAMINGO PLAT" (P 6-1-01), AGREEING TO CONTRIBUTE ELEVEN THOUSAND DOLLARS (\$11,000) TOWARDS IN NEW TRAFFIC LIGHTS ON ORANGE DRIVE AT THE GRIFFIN BRIDGE, REDESIGN THE ENTRANCE OF "FLAMINGO PLAT" TO COMPLY WITH THE TOWNS DESIGN OF ORANGE DRIVE, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner is requesting the Town of Davie to waive required off-site improvements at the intersection of S.W. 38th Street and Flamingo Road, as well as, providing a sidewalk along Flamingo Road. As a result, the owner of Flamingo Plat (a.k.a. Grove Creek) originally agreed to provide a southbound right turn lane on Flamingo Road at S.W. 38th Street with 190' of storage and 50' of transition, eastbound turn lane on S.W. 38th Street at Flamingo Road with 200' of storage and 100' of transition, sidewalk construction along Flamingo Road, and signalization at the intersection of Flamingo Road and S.W. 38th Street.

However, running parallel, outside the northern boundary line of Grove Creek is a piece of land "no-man's-land," that restricts access to and from the site via S.W. 38th Street right-of-way. Because the residents of Grove Creek will not be utilizing S.W. 38th Street, the petitioner is requesting the Town of Davie to waive related off-site improvement requirements at the intersection of S.W. 38th Street and Flamingo Road. The owner has agreed to contribute \$11,000 towards the new traffic light on Orange Drive at the bridge to Griffin Road adjacent to Flamingo Commons.

The petitioner is also requesting to waive off-site improvements required by "Flamingo Plat" (P 6-1-01) relating to Orange Drive. These off-site improvements include providing a westbound right turn lane on Orange Drive at the 100' opening, eastbound left turn lane on Orange Drive at the 100' opening, sidewalk construction along Orange Drive adjacent to the plat, as well as, pavement markings and signs pertaining to the above described improvements.

In addition, the developer has also agreed to perform local road improvements on Orange Drive including redesigning of Grove Creek's entrance, conforming to the Town's design of Orange Drive, which includes a landscaped median and/or sidewalks adjacent to the Flamingo Plat. Furthermore, if the County identifies traffic concurrencies, those improvements shall be done within the Town of Davie municipal boundaries on local roads.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

ATTACHMENTS: Resolution, Planning Report, Justification letter, Plat, Future Land Use Map, Aerial, Zoning and Subject Site Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO WAIVE OFF-SITE IMPROVEMENTS REQUIRED BY DEVELOPERS AGREEMENT (DA 8-1-03) AND "FLAMINGO PLAT" (P 6-1-01), AGREEING TO CONTRIBUTE ELEVEN THOUSAND DOLLARS (\$11,000) TOWARDS IN NEW TRAFFIC LIGHTS ON ORANGE DRIVE AT THE GRIFFIN BRIDGE, REDESIGN THE ENTRANCE OF "FLAMINGO PLAT" TO COMPLY WITH THE TOWNS DESIGN OF ORANGE DRIVE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner desires to waive off-site improvements required by Developers Agreement (DA 8-1-03) that relate to the intersection of S.W. 38th Street and Flamingo Road , as well as, providing sidewalk along Flamingo Road and,

WHEREAS, the owner desires to waive off-site improvements required by "Flamingo Plat" that relate to Orange Drive by providing a westbound right turn lane on Orange Drive at the 100' opening, eastbound left turn lane on Orange Drive at the 100' opening, sidewalk construction along Orange Drive adjacent to the plat, as well as, pavement markings and signs pertaining to the above described improvements and,

WHEREAS, the owners have agreed to contribute eleven thousand dollars (\$11,000) towards the new traffic light on Orange Drive at the bridge to Griffin Road adjacent to "Flamingo Plat", as well as, redesign "Flamingo Plat's" entrance to comply with the Town's design of Orange Drive including a landscape median; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to waive the off-site improvements required by Developers Agreement (DA 8-1-03) that relate to the intersection of S.W. 38th Street and Flamingo Road, as well as, providing a sidewalk along Flamingo Road. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. The Town Council of the Town of Davie does hereby approve the delegation request to waive the off-site improvements required by "Flamingo Plat" that relate to Orange Drive by providing a westbound right turn lane on Orange Drive at the 100' opening, eastbound left turn lane on Orange Drive at the 100' opening, sidewalk construction along Orange Drive adjacent to the plat, as well as, pavement markings and signs pertaining to the above described improvements. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A."

SECTION 3. This delegation request is subject to the County identifying traffic concurrencies, and that they are done within the Town of Davie municipal boundaries on local roads.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005.

Application #: DG 8-1-04 / 04-388 / Flamingo Plat
Exhibit "A"

Revisions:

Original Report Date: 11/29/04

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

Applicant Information

Owner:

Petitioner:

Name: Southern Homes of Davie II, LLC
Address: 12900 SW 128 Street, Suite 100
City: Miami, FL 33186
Phone: (305) 971-0102

Name: Pulice Land Surveyors, Inc
Address: 222 Lakeview Avenue, Suite 800
City: W. Palm Beach, Florida 33401
Phone: (561) 838-4542

Background Information

Application History: No deferrals have been requested.

Application Request: The petitioner is requesting the Town of Davie to waive some of the required off-site improvements set forth by a Developers Agreement (DA 8-1-03) approved on September 3, 2003 and the "Flamingo Plat" approved November 20, 2001.

Address/Location: 12901 Orange Drive / Generally located at the northwest corner of Orange Drive and Flamingo Road

Future Land Use

Plan Designation: Residential (1 DU/AC)

Zoning: A-1 (Agricultural District)

Existing Use: 79 Single family homes (under construction)

Proposed Use: 79 Single family homes

Parcel Size: 97.12 acres

Surrounding Uses:
North: Horse farm & Flamingo ESL
South: Flamingo Commons & Orange Drive
East: Flamingo Commons & Flamingo Road

Surrounding Land

Use Plan Designation:

Residential (1 DU/AC)
Commercial and Right-of-way
Commercial and Right-of-way

West: Single Family (Imagination Farms) Residential (1 DU/AC)

Surrounding Zoning:

North: A-1, Agricultural District

South: B-3, Planned Business Center & Orange Drive

East: B-3, Planned Business Center & Flamingo Road

West: E, Estate District

Zoning History

Zoning History:

On October 2, 2002, the Town of Davie adopted Ordinance No. 2002-35 approving rural lifestyle regulations including the Scenic Corridors Overlay District.

Previous Request on same property:

Plat Request (P 6-1-01 / Flamingo Plat): On November 20, 2001, Town Council approved a plat for Flamingo Plat.

Master Site Plan Request (MSP 2-3-02 / Grove Creek): On June 18, 2003, Town Council approved a site plan for 79 single-family homes for Grove Creek.

Developers Agreement (DA 8-1-02 / Flamingo Plat): On September 18, 2002, Town Council approved resolution number R-2003-239, for Regional Road Concurrency relating to Flamingo Plat.

Developers Agreement (DA 8-1-03 / Flamingo Plat): On September 3, 2003, Town Council approved resolution number R-2003-229, for off-site improvements adjacent to Flamingo Plat.

Site Plan Modification Request (SPM 2-13-04 / Grove Creek): A site plan modification was submitted on February 24, 2004 to amend the entrance feature at Grove Creek.

Temporary Use Request (TU 4-2-04 / Grove Creek): On April 4, 2004, Town Council approved a temporary use permit for activities associated with the Grand Opening of Grove Creek.

Variance Request (V 5-3-04 / Grove Creek): On August 4, 2004, Town Council approved a variance to section 12-33 187 (B) of the Land Development Code that requires a 40-foot street side setback for single-family homes on the corner lots in A-1, Agricultural, reduce to 35-feet for lots 1, 4, and 39 in Grove Creek.

Temporary Use Request (TU 9-1-04 / Grove Creek): On October 20, 2004, Town Council approved a temporary use permit for a temporary construction trailer for Grove Creek.

Application Details

The petitioner is requesting the Town of Davie to waive required off-site improvements that relate to the intersection of S.W. 38th Street and Flamingo Road, as well as, providing a sidewalk along Flamingo Road. The owner was to provide a southbound right turn lane on Flamingo Road at S.W. 38th Street with 190' of storage and 50' of transition, eastbound turn lane on S.W. 38th Street at Flamingo Road with 200' of storage and 100' of transition, sidewalk construction along Flamingo Road, and signalization at the intersection of Flamingo Road and S.W. 38th Street.

In addition, the petitioner is also requesting to waive off-site improvements required by "Flamingo Plat" that relate to Orange Drive. These off-site improvements include providing a westbound right turn lane on Orange Drive at the 100' opening, eastbound left turn lane on Orange Drive at the 100' opening, sidewalk construction along Orange Drive adjacent to the plat, as well as, pavement markings and signs pertaining to the above described improvements.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Comprehensive Plan Considerations

Planning Area: The subject site is located in Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West Ridge, the Ridgeview Lakes

developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis/Findings of Fact

The owner of Grove Creek (Flamingo Plat) originally agreed to off-site improvements that pertained to the right-of-way at the intersection of S.W. 38th Street and Flamingo Road and a sidewalk along Flamingo Road. Town Council approved this Developers Agreement (DA 8-1-03 / Flamingo Plat) on September 3, 2003. The owner was to provide a southbound right turn lane on Flamingo Road at S.W. 38th Street with 190' of storage and 50' of transition, eastbound turn lane on S.W. 38th Street at Flamingo Road with 200' of storage and 100' of transition, sidewalk construction along Flamingo Road, and signalization at the intersection of Flamingo Road and S.W. 38th Street.

However, running parallel, outside the northern boundary line of Grove Creek is a piece of land "no-man's-land," that restricts access to and from the site via S.W. 38th Street right-of-way. Because the residents of Grove Creek will not be utilizing S.W. 38th Street, the petitioner is requesting the Town of Davie to waive related off-site improvement requirements at the intersection of S.W. 38th Street and Flamingo Road.

In addition, the owner is seeking approval to waive the off-site road improvement required by the approval of "Flamingo Plat" (P 6-1-01) adjacent to Orange Drive right-of-way. These off-site improvements include providing a westbound right turn lane on Orange Drive at the 100' opening, eastbound left turn lane on Orange Drive at the 100' opening, sidewalk construction along Orange Drive adjacent to the plat, as well as, pavement markings and signs pertaining to the above described improvements.

The owner has agreed to contribute \$11,000 towards the new traffic light on Orange Drive at the bridge to Griffin Road adjacent to Flamingo Commons. In addition, the developer has also agreed to redesign the entrance of Grove Creek to conform to the Town's design of Orange Drive, which includes a landscaped median. However, Broward County and Florida Department of Transportation will ultimately need to agree whether or not to require the sidewalk along Flamingo Road. Currently, there are no other sidewalks down Flamingo Road.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Town Council Action

Exhibits

1. Justification Letter
2. Plat
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)



PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE (954) 572-1777 • FACSIMILE (954) 572-1778
e-mail: surveys@pulicelandsurveyors.com



December 13, 2004

Ms. Marcie Oppenheimer Nolan, AICP
Development Services Dept.
Town of Davie
6591 Orange Dr.
Davie, FL 33314

**RE: DELEGATION REQUEST ON "FLAMINGO PLAT" P 7-6-01,
GROVE CREEK SITE PLAN, FLAMINGO ROAD AND ORANGE
DRIVE, DAVIE, FLORIDA**

Dear Ms. Nolan,

We are asking for the following items to be removed from the original Development Review Report for the "FLAMINGO PLAT" as they are no longer applicable to the Grove Creek site plan. Broward County had requested the improvements as we originally had access onto SW 38th St. After the property was sold to Southern Homes and the Grove Creek site plan was developed we no longer accessed SW 38th St. yet the conditions remained on the Development Review Report. We have contacted Broward County Traffic Engineering and they have agreed to release us from those improvements as long as we include a non-vehicular access line along the North property line.

The improvements at SW 38th St. include a southbound turn lane on Flamingo at SW 38th St. (there is an existing one now), an eastbound left turn lane on SW 38th St. onto Flamingo, and a bond for a portion of a turn signal at the intersection.

Orange Drive has been deleted from the County's trafficways plan and the County will support a delegation request to remove the following conditions for Orange Dr. from the plat:

1. Westbound right turn lane on Orange Drive at the 100' opening.
2. Eastbound left turn lane on Orange Drive at the 100' opening.
3. Sidewalk construction along Orange Drive adjacent to the plat.
4. Pavement markings and signs pertaining to the above described improvements.

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Ms. Marcie Oppenheimer Nolan
December 13, 2004

As per our discussion, the developer will enter into a Developer's Agreement under the Town of Davie regulations, without County involvement to construct the above listed improvements. I understand that this language will be inserted into the Resolution being heard at Town Council December 15, 2004.

If you should have any questions, please feel free to contact me, Carlos Ballbé, or of course Hector Garcia.

Sincerely,

PULICE LAND SURVEYORS, INC.



Jane Storms

Xc: Carlos Ballbé – Keith and Ballbé, Inc.

PULICE LAND SURVEYORS, INC.

Abstract

NO BUILDING PERMITS SHALL BE ISSUED FOR THE CONSTRUCTION, EXPANSION AND/OR CONVERSION OF A BUILDING WITHIN THIS PLAT UNTIL SUCH TIME AS THE DEVELOPER PROVIDES THIS MUNICIPALITY WITH WRITTEN CONFORMATION FROM BROWN COUNTY THAT ALL APPLICABLE IMPACT FEES HAVE BEEN PAID OR ARE NOT DUE.

FLAMINGO PLAT

A SUBDIVISION OF A PORTION OF THE EAST 1/2 OF
SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST
TOWN OF DAVIS-BROWARD COUNTY-FLORIDA

PREPARED BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TEL NO. 954-575-1778
FAX NO. 954-575-1778
AUGUST 2001

MORTGAGE CONSENT

KNOW ALL MEN BY THESE PRESENTS, COLONIAL BANK, AN ALABAMA BANKING
CORPORATION, OWNER AND HOLDER OF THAT CERTAIN MORTGAGE RECORDED IN
THE OFFICIAL PUBLIC RECORDS OF THE COUNTY OF DAVIS, FLORIDA, IN THE
TOWNSHIP OF 50 SOUTH, RANGE 40 EAST, TOWN OF DAVIS-BROWARD COUNTY-FLORIDA,
THE DESIGNATION AS SHOWN HEREON.
IN WITNESS WHEREOF, THE UNDERSIGNED HAVE HEREUNTO SET THEIR HANDS AND THE
CORPORATE SEAL AFFIXED HERETO THIS 12th DAY OF January, 2002.

WITNESS: [Signature] PRINT NAME: John A. [Signature]
WITNESS: [Signature] PRINT NAME: John A. [Signature]
PRINT NAME: John A. [Signature]

ACKNOWLEDGMENT OF MORTGAGES

STATE OF FLORIDA, I HEREBY CERTIFY, THAT ON THIS DAY PERSONALLY
APPEARED BEFORE ME AN OFFICER DULY AUTHORIZED
IN THE COUNTY OF DAVIS, FLORIDA, John A. [Signature]
OF ALABAMA BANK, AN ALABAMA BANKING CORPORATION, WHO PERSONALLY
ACKNOWLEDGED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION
AND VALIDITY OF THE SAME. I HAVE THEREUPON COMPLETED THIS INSTRUMENT
AND HAVE HEREON SIGNED AND SEALED AS SUCH OFFICER FOR THE PURPOSES THEREIN EXPRESSED. I AM NOT
WITNESS: BY HAND AND OFFICIAL SEAL THIS 12th DAY OF January, 2002.

MY COMMISSION EXPIRES: 1/21/02
NOTARY PUBLIC, STATE OF FLORIDA
PRINT NAME: John A. [Signature]



COLONIAL BANK, AN
ALABAMA BANKING
CORPORATION

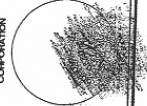
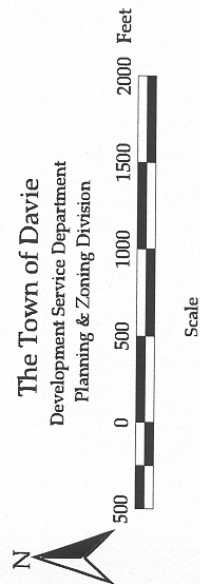
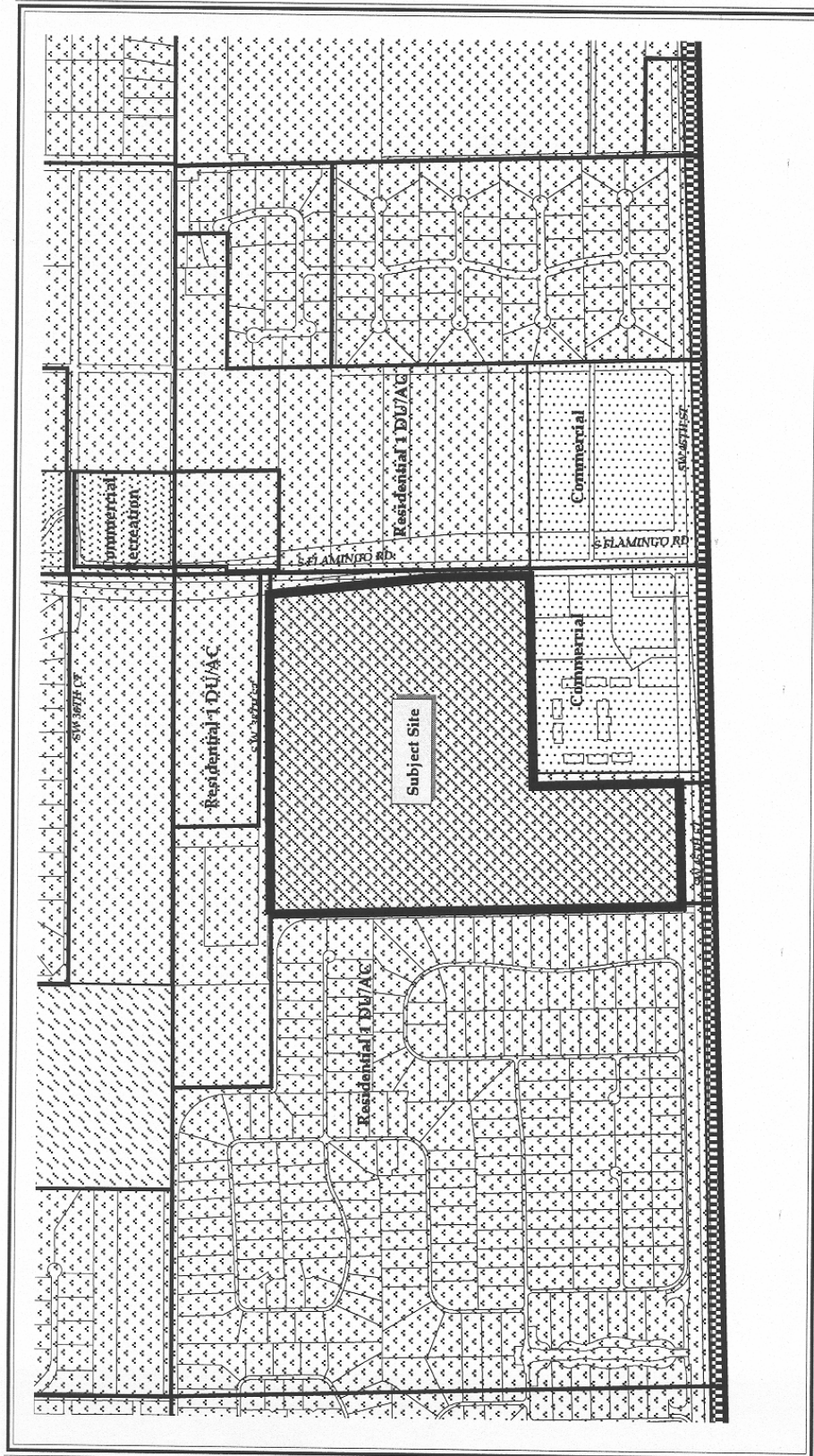


Exhibit 3 (Future Land Map)



Delegation Request DG 8-1-04, Grove Creek Future Land Use Map

Prepared By: D.M.A.
Date Prepared: 11/30/04

Exhibit 4 (Aerial, Zoning, and Subject Site Map)

